IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 15TH FEBRUARY 2007 / 26TH MAGHA 1928

Crl.Rev.Pet.No. 771 of 1998-C

CRA.30/1997 of IST ADDL. SESSIONS COURT, THRISSUR
S.T.NO. 1862/1994 OF THE JFCM, CHAVAKKAD
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REVN. PETITIONER:

BABU, S/O. AYYAPPAN,
KAVUNGAL, KARAMUCK VILLAGE,
MANALOOR DESOM, THRISSUR TALUK.

BY ADV. SRI.J.JULIAN XAVIER

RESPONDENTS:
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1. MUHAMMED HAJI,
S/O. MOIDUNNI HAJI, AMBALATHH VEETTIL, HEKKUMPURATH,
CRUMANAYOOR DESOM, CHAVAKKAD TALUK.

2. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR,
THRISSUR.

R1 BY ADV. SRI.K.K.MOHAMED RAVUF
R2 BY PUBLIC PROSECUTOR MR. AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 15-2-2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO. 3949 OF 1998 IN CRL.R.P.NO.771/1998

DISMISSED.

15-2-2007 SD/-K.R.UDAYABHANU, JUDGE

TRUE COPY

P.S.TO JUDGE

K.R. UDAYABHANU, J.

CRL.R.P.NO.771 of 1998

DATED THIS THE 15TH DAY OF FEBRUARY 2007

ORDER

The revision petitioner stands convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced, as modified by the appellate court, to undergo simple imprisonment for one month and to pay a compensation of Rs. 25,000/- to the complainant under Section 357(3) Cr.P.C. and in default to undergo simple imprisonment for three moths. On a consideration of the evidence adduced in the matter, I find that there is no ground at all to interfere in the orders of the court below. At the instance of the prosecution, PWs.1 and 2 were examined and EXts.P1 to P6 were marked . No contra evidence was adduced. Hence the statutory presumption stands unrebutted.

Considering the plea of the revision petitioner, the sentence is modified to imprisonment till the rising of the court. The rest of the sentence is confirmed. The revision petitioner shall appear before the Judicial Magistrate of the First Class, Chavakkad on 14-3-2007. The Crl.revision petition is disposed of accordingly.

ks. **K.R.UDAYABHANU, JUDGE**

ks.